

JUDGE DANIELS  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

11 CIV 7594

Eva Seria,

Plaintiff,

-against-

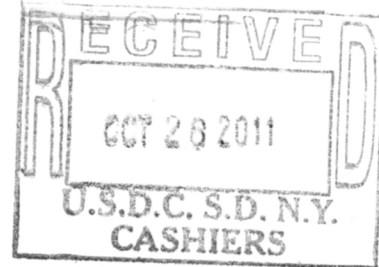
Commonwealth Financial Systems, Inc.

Defendant.

Civil Action No.:

ECF Case - GBD

**COMPLAINT AND DEMAND  
FOR TRIAL BY JURY**



Plaintiff Eva Seria ("Plaintiff" or "Seria"), by and through her attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for her Complaint against the Defendant Commonwealth Financial Systems, Inc. ("Defendant" or "CFS"), respectfully sets forth, complains and alleges, upon information and belief, the following:

**INTRODUCTION/PRELIMINARY STATEMENT**

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of sec. 1692 et. seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

**PARTIES**

2. Plaintiff is a resident of the State of New York, County of Rockland, residing at 20 Regina Rd., Monsey, New York 10952.

3. Defendant is a collection firm with a principal place of business at 245 Main St., Dickson City, Pennsylvania 18519, and, upon information and belief, is authorized to do business in the State of New York.
4. Defendant is a “debt collector” as the phrase is defined and used in the FDCPA.

#### **JURISDICTION AND VENUE**

5. The Court has jurisdiction over this matter pursuant to 28 USC Sec. 1331, as well as 15 USC Sec. 1692 et. seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendent jurisdiction over any State law claims in this action pursuant to 28 U.S.C. Sec. 1367(a).
6. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391(b)(2).

#### **FACTUAL ALLEGATIONS**

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “6” herein with the same force and effect as if the same were set forth at length herein.
8. Upon information and belief, on a date better known to Defendant, Defendant began collection activities on an alleged consumer debt from the Plaintiff (“Alleged Debt”).
9. On or about August 11, 2011, Defendant sent a letter in which the balance due was listed as \$13,261.83.
10. Defendant failed to include the required “30-day validation notice” stating the Plaintiff’s right to dispute the debt within thirty (30) days.
11. Said failure on the part of defendant is a violation of the FDCPA, 15 U.S.C. § 1692g(a)(3).

12. As a result of Defendant's deceptive, misleading and unfair debt collection practices, Plaintiff has been damaged.

**FIRST CAUSE OF ACTION**  
**(Violations of the FDCPA)**

13. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "12" herein with the same force and effect as if the same were set forth at length herein.
14. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 USC §1692g(a)(3).
15. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

**DEMAND FOR TRIAL BY JURY**

16. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues in this complaint to which Plaintiff is or may be entitled to a jury trial.

**PRAYER FOR RELIEF**

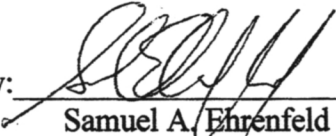
**WHEREFORE**, Plaintiff Eva Seria, on her behalf, demands judgment against the Defendant Commonwealth Financial Systems, Inc., as follows:

- A. For actual damages provided and pursuant to 15 USC Sec. 1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC Sec. 1692k(a)(2)(A);
- C. For attorneys' fees and costs provided and pursuant to 15 USC Sec. 1692k(a)(3);

- D. A declaration that the Defendant's practices violated the FDCA; and,
- E. For any such other and further relief, as well as further costs, expenses and disbursement of this action, as this Court may deem just and proper.

Dated: New York, New York  
October 26, 2011

Respectfully submitted,

By:   
Samuel A. Ehrenfeld  
FREDRICK SCHULMAN & ASSOCIATES  
Attorneys at Law  
Attorneys for Plaintiff  
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